

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, November 21, 2019
1:30 p.m.
Commission Chambers
1915 N. Stiles Avenue, 2nd Floor
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERChairman Mark Liotta

ROLL CALL.....Chairman Mark Liotta

Open Meeting Act Statement

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.

1. Discussion and Possible Action on Minutes

The drafted minutes of the October 17, 2019, Regular Business Meeting, November 7, 2019, Special Meeting and Public Hearing; November 7, 2019, Dual Special Meeting; and the November 8, 2019, Dual Special Meeting of the Commission will be considered for approval.

Possible Action

Possible action may include: taking no action; approving the minutes as drafted; approving the minutes as amended; or continuing the matter.

2. Discussion and Consideration of Adoption of Proposed Amendments to Commission Forms and Effective Dates

Title 85A O.S. § 22(a) provides “[t]he Commission shall vote on any substantive change to any form and the effective date of such substantive change.” The Commission will consider adopting proposed amendments to CC-Form-100, CC-Form-1A, CC-Form-1A Spanish Version, and CC-Joint Petition, as well as setting the effective dates. The proposed amendments to the forms may be viewed on the website or by following the link:

http://ok.gov/wcc/About_the_Commission/Governing_Documents/index.html

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; adopting the proposed form amendments, in whole or in part, and setting effective dates; deciding not to adopt the proposed form amendments; or adopting a modified version of the proposed form amendments, and setting effective dates.

3. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all, or none of the vouchers listed in this Consent Agenda; or continuing the matter.

4. Discussion and Consideration of Reducing the Security Deposit of Southwestern Bell Telephone Company, a Former Own Risk Employer, Permit #00337

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission will consider reducing the security deposit of Southwestern Bell Telephone Company.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; releasing or reducing the security deposit of Southwestern Bell Telephone Company; or not releasing or reducing the security deposit of Southwestern Bell Telephone Company, a former own risk employer.

5. Discussion and Possible Action on Releasing or Reducing the Security Deposit of J.C. Penney Corporation Inc., a Former Own Risk Employer, Permit #17682

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission will consider releasing or reducing the security deposit of J.C. Penney Corporation Inc.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; releasing or reducing the security deposit of J.C. Penney Corporation Inc.; or not releasing or reducing the security deposit of J.C. Penney Corporation Inc., a former own risk employer.

6. Discussion and Possible Action on Distribution of Surplus Monies to Members of the Oklahoma Association of Electric Self-Insurers Fund (#75034)

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board, and the manner of distribution shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents.

Oklahoma Electric Association Self-Insurers Fund, a group self-insurance association, is requesting a partial distribution of surplus funds back to its members in the amount of \$3,373,473, which will be payable from the following Fund years: FY 99 (\$375,099), FY 01 (\$-11,840), FY 02 (\$500,966), FY 03 (\$-23,052), FY 04 (\$1,134,741), FY 06 (\$504), and FY 09 (\$1,397,055). The Commission will consider approving the distribution of surplus monies to members of the Oklahoma Electric Association Self-Insurers Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving some, all, or none of the distribution of the surplus monies to the members of the Oklahoma Electric Association Self-Insurers Fund.

7. Discussion and Possible Action on Distribution of Surplus Monies to Members of the Oklahoma Health Care Association Self-Insurers Fund (#75175)

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents.

Oklahoma Health Care Association Self-Insurers Fund, a group self-insurance association, is requesting a partial distribution of surplus funds to its members in the amount of \$1,000,000, which will be payable from the following Fund years: FY 12 (\$50,000), FY 15 (\$250,000), FY 17 (\$250,000), FY 18 (\$300,000), FY 19 (\$150,000). The Commission will consider approving the distribution of surplus monies to members of the Oklahoma Health Care Association Self-Insurers Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving some, all, or none of the distribution of the surplus monies to the members of the Oklahoma Health Care Association Self-Insurers Fund.

8. Discussion and Possible Action on Approval of Independent Medical Examiners for the Commission

Title 85A O.S. § 112 requires the Workers' Compensation Commission to create, maintain, and review a list of licensed physicians who shall serve as independent medical examiners ("IME"). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured workers. The period of qualification for physicians shall be two (2) years.

The Commission will consider approving the list of physicians presented at the meeting that have been vetted by the Medical Director and recommended to have their applications approved.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; or approving some, all, or none of the physicians for the Commission.

9. Discussion and Possible Action on Commission Policies

The Commission will discuss and consider the adoption and/or modification of the following policies:

- a) WCC-12 – Facility Video Monitoring Policy
- b) The Commission will also discuss either creating a social media policy pursuant to SB 198, or adopting a draft policy authored by the Oklahoma Attorney General’s Office.

Possible Action

Possible action on WCC-12 includes: taking no action; continuing the matter; rescinding the policy; approving WCC-12 as presented; approving WCC-12 as modified in the meeting; or not approving WCC-12.

Possible action on a social media policy includes: directing the General Counsel and Communications Director to draft a policy in accordance with SB 198, adopting the Attorney General’s template policy in whole or with modifications, taking no action, or continuing the matter.

10. Proposed Opening of the Permanent Rulemaking Process to Consider Amendments to the Commission’s Permanent Rules

The Commission will consider opening the Permanent Rulemaking process for amendments to the Commission’s Permanent Rules. If proposed Permanent Rules are adopted and submitted for legislative review on or before April 1, 2020, the Legislature will have until the end of the 2020 legislative session to approve or disapprove the rules.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the opening of the permanent rulemaking process; not approving the opening of the rulemaking process; or continuing the matter.

11. New Business

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

12. Announcements

The Commission’s next special appeals meeting is on Friday, November 22, 2019, at 9:00 a.m. The Commission’s next special business meeting is on Thursday, December 12, 2019, at 1:30 p.m.

ADJOURNMENT.....Chairman Mark Liotta